

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 198 cases of Antipasto at San Francisco, Calif., alleging that the article had been shipped in foreign commerce from Italy and had been entered at the Port of San Francisco, Calif., on various dates between January 20 and April 14, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cases) "Stabilimento A Vapore Di Conserve Alimentari Marca Depositata Flli Garosci Di Giovanni Torino Italy * * * San Francisco Cal.;" (cans) "L'Excelsior Degli Antipasti Il Sole Flli Garosci Di Giovanni * * * Torino Italy * * * Tonno-Funghi-Olive-Cipolline * * * In Salsa Net Contents 6 Oz."

Adulteration was alleged in the libels for the reason that the article consisted in part of a decomposed animal or vegetable substance.

On December 4 and December 5, 1931, respectively, no claimant having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19111. Misbranding of apples. U. S. v. 275 Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27188. I. S. No. 38633. S. No. 5364.)

Examination of samples of apples, represented to be U. S. Grade No. 1, from the shipment herein described showed that an average of 20 per cent contained grade defects, consisting of sooty blotch, scars, cracks at stems, russet, undercolor, and insect injury.

On October 29, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 baskets of apples at New York, N. Y., alleging that the article had been shipped by the Martinsburg Fruit Exchange, Kearneysville, W. Va., on or about October 26, 1931, and had been transported from the State of West Virginia into the State of New York, and charging misbranding in violation of the food and drugs act. The product was labeled in part: (Baskets) "J. Howard McKee, Kearneysville, W. Va. U. S. No. 1, W. Va. A Grade Min.—2½ in."

It was alleged in the libel that the article was misbranded in that the designation "U. S. No. 1" was false and misleading when applied to apples falling below U. S. Grade No. 1.

On November 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19112. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27097. I. S. No. 39484. S. No. 5312.)

Samples of alleged early June peas from the shipment herein described having been found to contain an excessive quantity of hard and mature peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 539 cases of canned peas, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped on or about August 22, 1931, by Phillips Packing Co. (Inc.), from Cambridge, Md., and had been transported in interstate commerce from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Golden Rule Brand Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded within the meaning of the food and drugs act as amended, in the case of food, in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it contained an excessive quantity of hard and mature peas, to wit, more than 10 per cent, and its package or label did not bear a plain and conspicuous statement as prescribed, indicating that such canned food fell below such standard.